

REMARKS

In the office action dated July 15, 2004, the examiner rejected claims 1-6, 9, 11-17, 20-23, 26-34, 35 (previously listed as 37 and renumbered as 35) and 39-52 (previously listed as 41-54 and renumbered 39-52) under 35 USC 102(e) as anticipated by Sullivan et al (USPN 6,662,365), claims 10 and 38 (previously listed as 40 and renumbered 38) under 35 USC 103 as unpatentable over Sullivan et al in view of Elam (USPN 6,216,263), and claims 24 and 25 under 35 USC 103 as unpatentable over Sullivan et al. Sullivan et al was filed on August 17, 1999. As indicated in Jeffrey G. Whitelaw's Rule 131 declaration, Applicant conceived of the invention embodied in claims 1-6, 9-17, 20-35, and 38-52 prior to August 17, 1999. In view of the foregoing, Applicant submits that Sullivan et al. is not prior art to the subject application under 35 USC 102 and 103.

CONCLUSION

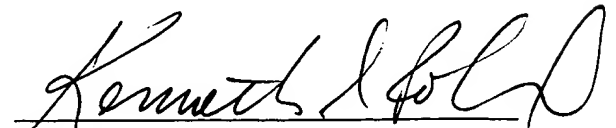
Applicant respectfully asserts the application is in condition for allowance. Prompt and favorable action on the merits of the claims is earnestly solicited. Should the Examiner have any questions or comments, the undersigned can be reached at (949) 567-6700.

Respectfully submitted,

ORRICK, HERRINGTON & SUTCLIFFE LLP

Dated: August 27, 2004

By:


Kenneth S. Roberts
Reg. No. 38,283

4 Park Plaza, Suite 1600
Irvine, California 92614-2558
(949) 567-6700 Telephone
(949) 567-6710 Facsimile
Customer No.: 34313